

AMENDED IN ASSEMBLY JUNE 19, 2015

AMENDED IN ASSEMBLY JUNE 9, 2015

AMENDED IN SENATE APRIL 23, 2015

SENATE BILL

No. 456

Introduced by Senator Block

February 25, 2015

An act to add Section 422.3 to the Penal Code, relating to criminal threats.

LEGISLATIVE COUNSEL'S DIGEST

SB 456, as amended, Block. Criminal threats: discharge of a firearm.

Existing law requires a person who willfully threatens to commit a crime that will result in death or great bodily injury to another person, with the specific intent that the statement is to be taken as a threat, even if there is no intent of actually carrying it out, and thereby causes that other person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, to be punished by imprisonment in a county jail not to exceed one year, or by imprisonment in the state prison.

This bill would ~~provide that~~ make a person who *willfully* threatens, by specified means, to discharge a firearm on the campus of a school, as defined, or location where a school-sponsored event is *or will be* taking place, *with specific intent and* under circumstances ~~where the threat would reasonably be understood as true, and where the person making the threat knows or should know that the threat would be understood as true,~~ is that convey a gravity of purpose and an immediate prospect of execution of the threat, guilty of a misdemeanor *or felony* punishable by a fine not exceeding \$1,000, by imprisonment in a county

jail for a period not exceeding one year, or by both that fine and imprisonment. The bill would state that precautionary measures taken by a school or law enforcement agency is evidence that the threat was reasonably understood as true. The bill would also make a person convicted of committing this conduct liable to the public agency for the reasonable costs of the emergency response by that public agency. *specified term.*

By creating a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 422.3 is added to the Penal Code, to read:
2 422.3. (a) A person who *willfully* threatens to discharge a
3 ~~firearm~~ *firearm, which will result in death or great bodily injury,*
4 on the campus of a school, or location where a school-sponsored
5 event is *or will be* taking place, ~~under circumstances where the~~
6 ~~threat would reasonably be understood as true, and where the~~
7 ~~person making the threat knows or should know that the threat~~
8 ~~would be understood as true, is guilty of a misdemeanor punishable~~
9 ~~with the specific intent that the statement is to be taken as a threat,~~
10 ~~even if there is no intent of carrying it out, and where the threat,~~
11 ~~on its face and under the circumstances in which it is made, is so~~
12 ~~unequivocal, unconditional, immediate, and specific as to convey~~
13 ~~a gravity of purpose and an immediate prospect of execution of~~
14 ~~the threat, shall be punished by a fine not exceeding one thousand~~
15 ~~dollars (\$1,000); by imprisonment in a county jail for a period not~~
16 ~~exceeding one year, or by both that fine and imprisonment.~~
17 ~~imprisonment pursuant to subdivision (h) of Section 1170.~~
18 (b) ~~The fact that precautionary measures were taken by a school~~
19 ~~or law enforcement agency is evidence that the threat was~~
20 ~~reasonably understood as true.~~
21 (e)

1 (b) A threat to discharge a firearm described in subdivision (a)
2 includes a threat that is communicated orally, in writing, by means
3 of an electronic communication device, including, but not limited
4 to, a telephone, cellular telephone, computer, video recorder, fax
5 machine, text message, and social media, and by any other means.

6 ~~(d)~~

7 (c) For purposes of this section, “school” means a state
8 preschool, private or public elementary school, middle school,
9 vocational school, junior high school, high school, community
10 college, or public or private university.

11 ~~(e)~~

12 (d) This section does not preclude or prohibit prosecution under
13 any other law.

14 ~~(f) A person convicted of violating this section, or adjudged a~~
15 ~~ward of the juvenile court pursuant to Section 602 of the Welfare~~
16 ~~and Institutions Code based upon a violation of this section, is~~
17 ~~liable to a public agency for any reasonable costs of the emergency~~
18 ~~response to the person’s threat by that public agency.~~

19 SEC. 2. No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or
23 infraction, eliminates a crime or infraction, or changes the penalty
24 for a crime or infraction, within the meaning of Section 17556 of
25 the Government Code, or changes the definition of a crime within
26 the meaning of Section 6 of Article XIII B of the California
27 Constitution.